



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

EPA Region 5 Records Ctr.



286275

MAR 25 2008

REPLY TO THE ATTENTION OF:

**MEMORANDUM**

**DATE:** **ACTION MEMORANDUM: Request for an Emergency Removal Action at the Lane Street Groundwater Contamination Site in Elkhart, Indiana**  
**Spill ID# B5LH**

**FROM:** **Ken Theisen, OSC, Response Section III**

**TO:** **Jason El-Zein, Chief**  
**Emergency Response Branch I**

**THRU:** **Charles Gebien, Chief**  
**Emergency Response Section III**

**I. PURPOSE**

The purpose of this memorandum is to request and document your approval for expending up to \$50,000 to abate a potential imminent and substantial threat to public health, welfare, and the environment posed by the Lane Street Contaminated Groundwater Site. This memorandum will also document my initial determination that an emergency response was needed and this decision resulted in the removal actions described below. This response was necessary to mitigate the immediate threat to public health, welfare and the environment posed by the release of uncontrolled hazardous substances from the Lane Street Groundwater Contamination Site.

**II. SITE CONDITIONS AND BACKGROUND**

**CERCLIS ID# INN000510229**

The Lane Street Groundwater Contamination Site is located on Lane Street in an unincorporated part of Elkhart, Indiana (Elkhart, County) and consists of a residential block of homes in a typical residential subdivision. Lane Street is directly adjacent to an industrial park with a variety of industries being represented.

In August of 2007 Region V received a request from Mr. Harry Atkinson, a manager with the Indiana Department of Environmental Management (IDEM), asking for Region V's assistance in dealing with a plume of groundwater contaminated with trichloroethylene (TCE). IDEM had collected six groundwater samples in mid August on Lane Street to confirm suspected

groundwater contamination and found contamination up to 300 ppb (parts per billion) in one residence. Up to a dozen additional adjacent homes had TCE in their well water above EPA's Maximum Contaminant Level (MCL) for TCE, currently set at 5 ppb.

On September 5, 2007 OSC Theisen, together with the START Contractor collected residential well samples on Lane Street in an attempt to confirm the IDEM sampling results. EPA's results indicated a plume of TCE with concentrations confirming the IDEM results with one sample approaching the U.S. EPA's RAL of 300 ppb (Removal Action Level). The sample indicated TCE at 260 ppb, favorable to the IDEM results of 300 ppb.

OSC Theisen because of the high level of TCE at the RAL (300 ppb and 260 ppb), determined that up to an additional 12 homes on Lane Street with lesser concentrations were at risk because of their proximity to the home with the high concentration. The decision was made by the OSC to install two different types of water filtration systems, those being the "Point-of-Entry" and the "Point-of-Use" system. Access agreements were put into place with the affected homeowners and installation of the systems commenced by mid October, with all of the systems installed by the end of the month.

For the detailed Environmental Justice Criteria (EJ) specific to this Site, see Attachment 2.

### III. THREATS TO PUBLIC HEALTH, WELFARE, OR TO THE ENVIRONMENT, AND STATUTORY AND REGULATORY AUTHORITIES.

The conditions at the Site present a release or a threat of a CERCLA hazardous substance, and meet the criteria for an emergency removal action provided for in the national Contingency Plan (NCP), 40 CFR § 300.415 (b) (2). These criteria include the following identified below (check applicable):

- ☒ yes    ☐ no    *i. Actual or potential exposure to nearby human populations, animals, or the food chain from hazardous substances or pollutants or contaminants.*

The presence of TCE in residential well water in concentrations at or above the current EPA Removal Action Level constitutes an exposure to human populations on Lane Street.

- ☒ Yes    ☐ no    *ii. Actual or potential contamination of drinking water supplies or sensitive ecosystems.*

The presence of TCE in drinking water at the RAL confirms this threat.

- ☐ Yes    ☒ no    *iii. Hazardous substances or pollutants or contaminants in drums, barrels, tanks, or other storage containers, that may pose a threat of release.*

3.

Yes    ☒ no    iv. High levels of hazardous substances or pollutants or contaminants in soils largely at or near the surface that may migrate.

Yes    ☒ no    v. Weather conditions that may cause hazardous substances or pollutants or contaminants to migrate or be released.

☒ Yes    no    vi. The availability of other federal or state response mechanisms to respond to the release.

The Indiana Department of Environmental Management requested the assistance of U.S. EPA in dealing with this time critical emergency.

Yes    ☒ no    Other situation or factors that may pose threats to public health or welfare of the United States or the environment.

#### IX.    ENDANGERMENT DETERMINATION

Given the Site conditions, the nature of the suspected hazardous substances on-site, and the potential exposure pathways described in Section II and III above, actual or threatened releases of hazardous substances from this site, if not addressed by implementing the response actions selected in this Action Memorandum, may prevent/may have prevented an imminent and substantial endangerment to public health, welfare, or the environment.

#### IV.    PROPOSED ACTONS AND ESTIMATED COSTS

The OSC has completed the following emergency removal action to mitigate threats posed by the presence of high levels of TCE in residential drinking water wells at the Lane Street Contaminated Groundwater Site:

##### Activities

Developed and implemented a site health and safety plan

Delineated the extent of the plume of contamination

Installed and will maintain for one year either "point-of-use" or "point-of -entry" activated carbon water purification systems

Analytical samples of treated water to insure filter effectiveness

The removal action will be conducted in a manner not inconsistent with the National Contingency Plan (NCP). The OSC has initiated planning for provisions of post-removal site control consistent with the provisions of Section 300.415 (1) of the NCP. This will consist of the IDEM maintaining the filtration systems after the one year statutory EPA time limit has expired,

4.

until such a time as the permanent remedy, namely connecting the affected homes to the City of Elkhart municipal system has been achieved.

The response actions described in this memorandum directly address actual or threatened releases of hazardous substances, pollutants, or contaminants, at the site which may pose an imminent and substantial endangerment to public health and safety and the environment. These response actions do not impose a burden on the affected property disproportionate to the extent to which that property contributes to the conditions being addressed.

Removal activities took approximately 10 days to complete.

#### Costs

The estimated costs for this removal action were as follows:

ERRS	\$40,000
START	\$5,000
CONTINGENCY	\$5,000
TOTAL	\$50,000 (\$ not to exceed \$50k for this format)

#### Applicable or Relevant and Appropriate Requirement (ARAR's)

All applicable, relevant, and appropriate requirements (ARAR's) will be complied with to the extent practicable considering the exigencies of the situation. Federal and State ARAR's identified at the site include:

U.S. EPA Region V guidance concerning RAL's (removal action levels) concerning residential well contamination

IDEM asked U.S. EPA to remediate down to MCL (maximum contaminant levels)

#### V. EXPECTED CHANGE IN THE SITUATION SHOULD ACTION BE DELAYED OR NOT TAKEN

Given the site conditions, the nature of the hazardous substances documented on-site, and the potential exposure pathways to nearby populations described in Sections II and III above, actual or threatened release of hazardous substances from the Site, if not addressed by implementing the response actions selected in this Action Memorandum, would have presented an imminent and substantial endangerment to public health, welfare, or the environment.

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## VI. OUTSTANDING POLICY ISSUES

None

## VIII. ENFORCEMENT

The total EPA costs for this emergency action base on full-cost accounting practices that will be eligible for cost recovery are estimated to be \$89,754 <sup>1</sup>

$$(\$50,000 + \$10,000 \text{ (H.Q.)}) + 49.59\% \times (\$50,000 + \$10,000) = \$89,754$$

For administrative purposed, information concerning the enforcement strategy for this site is contained in the Enforcement Confidential Addendum. (attachment 3)

<sup>1</sup> Direct Costs include direct extramural costs and direct intramural costs. Indirect costs are calculated based on an estimated indirect cost rate expressed as a percentage of site-specific direct costs consistent with the full cost accounting methodology effective October 2, 2000. These estimates do not include pre-judgment interest, do not take into account other enforcement costs including Department of Justice costs and may be adjusted during the course of a removal action. The estimates are for illustrative purposes only and their use is not intended to create any rights for responsible parties. Neither the lack of a total cost estimate nor deviation of actual costs from this estimate will affect the United States' right to cost recovery.

## IX. RECOMMENDATION

This decision document represents the selected removal action for the Lane Street Contaminated Groundwater Site, Elkhart, Indiana, developed in accordance with CERCLA as amended, and not inconsistent with the NCP. This decision was based on the administrative record for the site. Conditions at the Site meet the NCP Section 300.415 (b)(2) criteria for an emergency removal and I recommend your approval of the emergency action.

This total emergency action project ceiling if approved will be \$50,000. Of this, an estimated \$45,000 may be used for cleanup contractor costs. You may indicate your decision by signing below.

APPROVE: JO-CL- DATE: 3-25-08  
Chief, Emergency Response Branch I

DISAPPROVE: \_\_\_\_\_ DATE: \_\_\_\_\_  
Chief, Emergency Response Branch I

## Attachments:

1. Administrative Record Index
2. Environmental Justice Analysis
3. Enforcement Confidential Addendum
4. Detailed Government Contractor Cost Estimate
5. Independent government Cost Analysis

cc: D. Chung, U.S. EPA 5202G  
M. Chezick, U.S. DOI, w/o Enf. Addendum  
H. Atkinson, IDEM w/o Enf. Addendum

7.

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(REDACTED 1 PAGE)

NOT RELEVANT TO THE SELECTION OF THE REMOVAL ACTION



## ATTACHEMENT 1

### U.S. ENVIRONMENTAL PROTECTION AGENCY REMOVAL ACTION

#### ADMINISTRATIVE RECORD FOR LANE STREET GROUNDWATER CONTAMINATION SITE ELKHART, ELKHART COUNTY, INDIANA

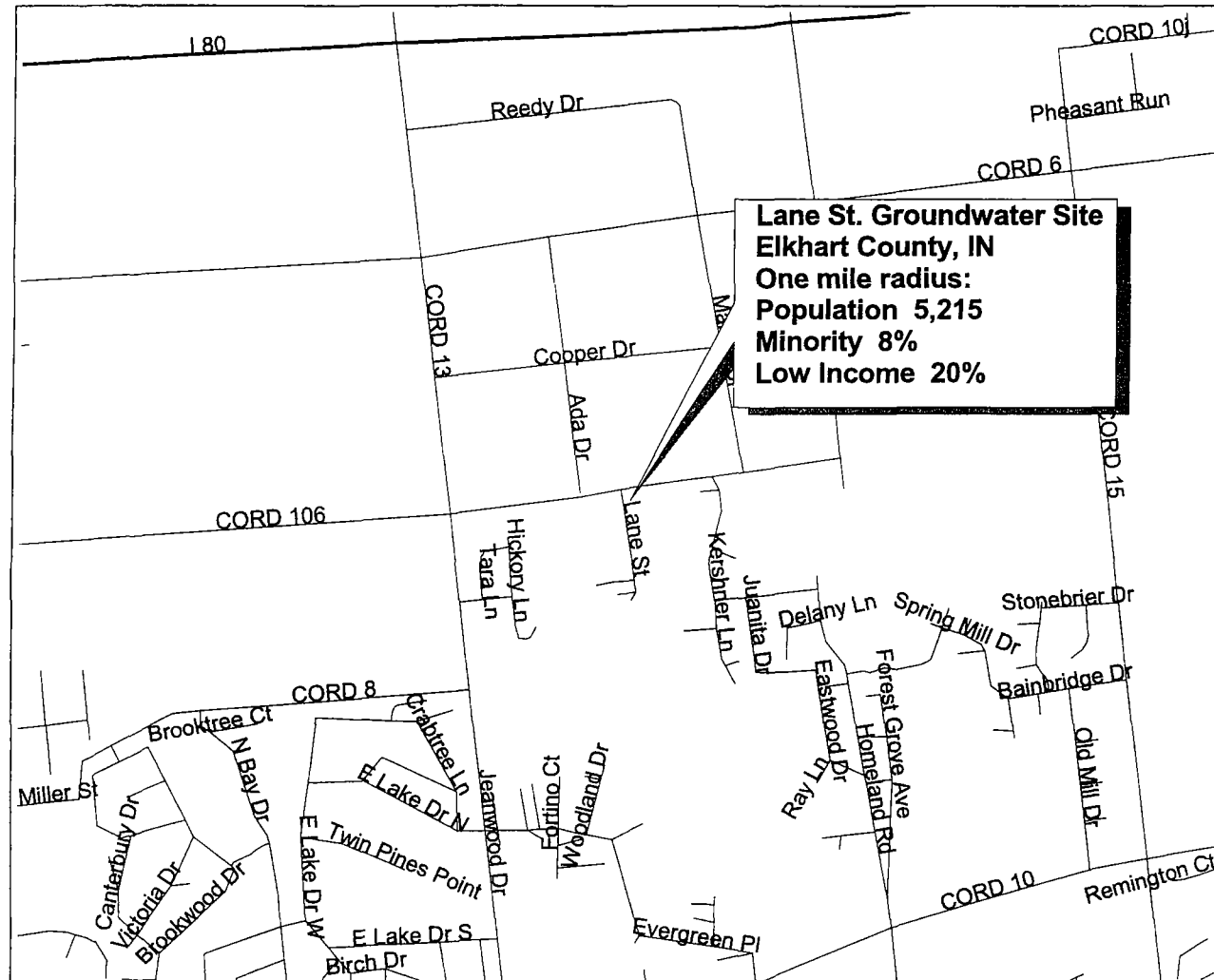
ORIGINAL  
JANUARY 31, 2008

<u>NO.</u>	<u>DATE</u>	<u>AUTHOR</u>	<u>RECIPIENT</u>	<u>TITLE/DESCRIPTION</u>	<u>PAGES</u>
1	09/05/07	U.S. EPA	File	Lane Street Site Assessment Residential Well Sampling Results for September 2007	14
2	09/13/07	Jaworski, M., IDEM	Theisen, K., U.S. EPA	E-Mail Transmission re: IDEM Residential Well Sampling Results for the Lane Street Groundwater Contamination Site	2
3	00/00/00	Theisen, K., U.S. EPA	Nachowicz, L., U.S. EPA	Action Memorandum: Request for an Emergency Removal Action at the Lane Street Groundwater Contamination Site (PENDING)	



# Region 5 Superfund EJ Analysis

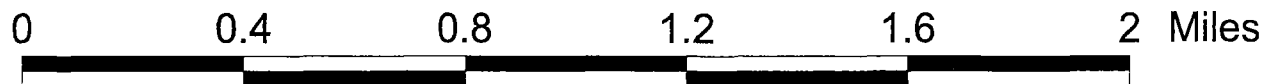
## Lane Street Groundwater Site Elkhart, IN



State of Indiana averages:  
Minority: 14%  
Low Income: 29%

U.S. EPA Region 5  
Environmental Justice Case Criteria  
for State of Indiana

Minority: 28% or greater  
Low Income: 58% or greater



Date of Map: 11/1/07

Source of Map: Census 2000 Database/  
ArcView 3.0

**ATTACHMENT 3**

**ENFORCEMENT ADDENDUM  
LANE STREET GROUNDWATER CONTAMINATION SITE  
ELKHART, ELKHART COUNTY, INDIANA**

**(REDACTED 1 PAGE)**

**ENFORCEMENT CONFIDENTIAL  
NOT SUBJECT TO DISCOVERY**

**ATTACHMENT 4**

**DETAILED CLEANUP CONTRACTOR AND START ESTIMATE  
LANE STREET GROUNDWATER CONTAMINATION SITE  
ELKHART, ELKHART COUNTY, INDIANA**

**(REDACTED 1 PAGE)**

**NOT RELEVANT TO THE SELECTION OF THE REMOVAL ACTION**

## **ATTACHMENT 5**

**INDEPENDENT GOVERNMENT COST ESTIMATE  
LANE STREET GROUNDWATER CONTAMINATION SITE  
ELKHART, ELKHART COUNTY, INDIANA**

**(REDACTED 1 PAGE)**

**NOT RELEVANT TO THE SELECTION OF THE REMOVAL ACTION**